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24 **UNITED STATES DISTRICT COURT**
25 **NORTHERN DISTRICT OF CALIFORNIA**

26 Tyrone Evans and Padraic (Pat) Lackey,) CASE NO. 3:10-cv-04493-JL
27)
28) STIPULATION TO DISMISS THE EIGHTH CAUSE
Plaintiffs,) OF ACTION OF THE FIRST AMENDED
COMPLAINT, VIOLATION OF 42 USC SECTION
1981; [PROPOSED] ORDER RE SAME

VS.)

MCM Construction , Inc., Jim Carter, Ed Puchi,)
Chris Smith, Greg Allen and Roadway Electric)

Defendants.)

Plaintiffs TYRONE EVANS and PADRAIC LACKEY (Plaintiffs) and Defendants
MCM CONSTRUCTION, INC., et.al. (Defendants), by and through their counsel of record in
this action, hereby stipulate as follows:

1 WHEREAS, on July 20, 2010, Plaintiffs filed a Complaint in the Superior Court of
2 California in and for the Conty of Alameda entitled Tyrone Evans and Padraic (Pat) Lackey v.
3 MCM Construction, Inc., Jim Carter, Ed Puchi, Chris Smith, Greg Allen and Does 1-100
4 inclusive, Case No. RG10526527;

5
6 WHEREAS on September 3, 2010, Plaintiffs filed their First Amended Complaint in
7 the California Superior Court for the County of Alameda:

8 WHEREAS on or about October 4, 2010, certain Defendants, including MCM
9 Construction, Inc., removed this case to the United States District Court for the Northern
10 District of California;

11 WHEREAS, this is a multiple Plaintiff case alleging claims of employment
12 discrimination, retaliation, termination and fraud;

13
14 WHEREAS, Plaintiffs' First Amended Complaint alleges seventeen causes of action
15 against the defendants,

16 WHEREAS, no trial date has been set in this case;

17
18 WHEREAS, the Plaintiffs and Defendants, through their respective counsel of record
19 have agreed to dismiss the Eighth Cause of Action for Violation of 42 USC Section 1981
20 in Plaintiff's First Amended Complaint;

21 **NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED** by and
22 between the parties, through their respective undersigned attorneys of record, that Plaintiffs
23 TYRONE EVANS' and PADRIAC LACKEY's Eighth Cause of Action in their First
24 Amended Complaint as filed on September 3, 2010 and removed to this Court on October 4,
25 2010 is dismissed with prejudice.
26
27
28

1 **IT IS SO STIPULATED.**

2 Dated: October 21, 2010

3 THE LAW OFFICES OF JOSEPH L.
4 ALIOTO & ANGELA ALIOTO AND
5 THE LAW OFFICES OF JODY MEISEL

6 By: /s/ Jody Meisel
7 Jody Meisel
8 Attorney for Plaintiffs

9 Dated: October 21, 2010

10 PALMER, KAZANJIAN, WOHL,
11 HODSON, LLP

12 By: /s/ Heather S. Candy
13 Heather S. Candy
14 Attorney for Defendants

15 **ORDER**

16 Having reviewed the Stipulation executed by Plaintiffs TYRONE EVANS and
17 PADARIAC LACKEY and Defendants MCM CONSTUCTION INC., et. al., and good cause
18 appearing, this Court hereby Orders that Plaintiffs' Eighth Cause of Action for Violation of
19 42 USC Section 1981 from the Plaintiffs' First Amended Complaint is dismissed with
20 prejudice.

21 **IT IS SO ORDERED**

22 Dated: 11/30/10

